

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Darren A. Lunford,

Plaintiff

v.

R. Baker, et al.,

Defendants

Case No.: 2:20-cv-00956-APG-DJA

Order

This action began with a *pro se* civil rights complaint filed under 42 U.S.C. § 1983 by a formerly incarcerated person. On March 9, 2021, Magistrate Judge Daniel Albregts issued an order directing Lunford to file his updated address with this court by April 4, 2021. ECF No. 8 at 1. The deadline has now expired and Lunford has not filed his updated address or otherwise responded to the court's order.

District courts have the inherent power to control their dockets and “[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal” of a case. *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action with prejudice based on a party's failure to prosecute an action, failure to obey a court order, or failure to comply with local rules. *See Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995) (affirming dismissal for noncompliance with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (affirming dismissal for failure to comply with an order requiring amendment of complaint); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (affirming dismissal for failure to comply with local rule requiring *pro se* plaintiffs to keep court apprised of address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (affirming dismissal

1 for failure to comply with court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir.
2 1986) (affirming dismissal for lack of prosecution and failure to comply with local rules).

3 In determining whether to dismiss an action for lack of prosecution, failure to obey a
4 court order, or failure to comply with local rules, I must consider several factors: (1) the public's
5 interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the
6 risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their
7 merits; and (5) the availability of less drastic alternatives. *See Thompson*, 782 F.2d at 831;
8 *Henderson*, 779 F.2d at 1423-24; *Malone*, 833 F.2d at 130; *Ferdik*, 963 F.2d at 1260-61;
9 *Ghazali*, 46 F.3d at 53.

10 Here, the first two factors (the public's interest in expeditiously resolving this litigation
11 and the court's interest in managing the docket) weigh in favor of dismissal. The third factor
12 (risk of prejudice to the defendants) also weighs in favor of dismissal because a presumption of
13 injury arises from the occurrence of unreasonable delay in filing a pleading ordered by the court
14 or prosecuting an action. *See Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976). The
15 fourth factor (public policy favoring disposition of cases on their merits) is greatly outweighed
16 by the factors in favor of dismissal discussed herein. Finally, a court's warning to a party that his
17 failure to obey the court's order will result in dismissal satisfies the "consideration of
18 alternatives" requirement. *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132-33; *Henderson*,
19 779 F.2d at 1424. Judge Albregts's order expressly stated: "Failure to comply with this rule may
20 result in the dismissal of the action, entry of default judgment, or other sanctions as deemed
21 appropriate by the court." ECF No. 8 at 1. Thus, Lunford had adequate warning that dismissal
22 would result from failure to file his updated address by April 4, 2021.

1 I order that this action is dismissed without prejudice based on Lunford's failure to file an
2 updated address in compliance with this court's March 9, 2021 order.

3 I order that the application to proceed *in forma pauperis* (ECF No. 1) is denied as moot.

4 I order the Clerk of Court to close the case and enter judgment accordingly.

5 Dated: April 14, 2021



6 U.S. District Judge
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